

Message Text

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PAGE 01 STATE 241027

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FM SECSTATE WASHDC

TO AMEMBASSY BERN IMMEDIATE

C O N F I D E N T I A L STATE 241027

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E.O. 11652: GDS

TAGS: PFOR, PINT, SZ

SUBJECT: RATIFICATION OF THE US-SWISS JUDICIAL ASSISTANCE
TREATY

REF: BERN 3743

1. STEPS FOLLOWED BY THE US GOVERNMENT IN CARRYING OUT THE
RATIFICATION OF A TREATY INCLUDE:

A. DISPATCH OF REPORT FROM THE SECRETARY OF STATE
TO THE PRESIDENT, DESCRIBING THE PROVISIONS OF THE
TREATY AND RECOMMENDING THAT IT BE TRANSMITTED
TO THE SENATE FOR THE ADVICE AND CONSENT OF THE
LATTER BODY; - -

B. IF THE PRESIDENT AGREES WITH THE SECRETARY'S
RECOMMENDATION, THE WHITE HOUSE TRANSMITS THE
TREATY TO THE SENATE, REQUESTING THE LATTER'S
ADVICE AND CONSENT TO RATIFICATION;

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 241027

C. IF THE SENATE APPROVES, THE TREATY IS RATIFIED AND

ENTERED INTO FORCE IN ACCORDANCE WITH THE
NEGOTIATED TERMS.

2. THE IMPLEMENTATION OF THIS TREATY WILL REQUIRE NO
EXTRA US LEGISLATION. THE US ALREADY HAS BEEN MEETING
THE OBLIGATIONS SPECIFIED IN THE TREATY THROUGH EXISTING
LAWS AND PROCEDURES. IN EFFECT, THE TREATY IS FINALLY
PROVIDING A SWISS QUID FOR AN AMERICAN QUO THE FORMER
HAVE BEEN RECEIVING FOR YEARS.

3. FOR THE EMBASSY'S INFORMATION ONLY: THE DEPARTMENT
HAS ALREADY CIRCULATED A DRAFT REPORT TO OTHER INVOLVED
AGENCIES IN WASHINGTON. THIS DRAFT HAS NOT YET BEEN
CLEARED BY ALL, BUT WE DO NOT EXPECT ANY SERIOUS
OPPOSITION TO OUR MOVING AHEAD AT DUE SPEED. HOWEVER,
WE HAVE ALSO HEARD THAT TWO COMMITTEES OF THE AMERICAN
BAR ASSOCIATION HAVE INFORMALLY RAISED SOME QUESTIONS
ABOUT THE TREATY. WE ARE NOW CONSIDERING WAYS IN WHICH
TO MEET THIS SITUATION AND EVALUATE ITS EFFECT ON OUR
SCHEDULE. ALTHOUGH IT IS STILL TECHNICALLY POSSIBLE
THAT THE TREATY MIGHT BE SUBMITTED TO THE SENATE BEFORE
THE END OF THIS YEAR, THE SWISS SHOULD NOT BE GIVEN THAT
ASSURANCE YET. ONCE THE SENATE RECEIVES THE TREATY, IT
IS DIFFICULT TO PREDICT HOW QUICKLY THEY WILL TAKE ACTION.
DELAYS CAN BE CAUSED BY STAFF STUDIES AND THE PRESS OF
MORE URGENT BUSINESS. INGERSOLL

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